

Forgotten Wives, Mothers, and Old Maids:

Tracing Women in U.S. Research

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Tracing women in the United States is not easy, especially before 1850. Women are often hidden in the records of the men in their lives. In this class, we will discuss why women are hard to find and introduce strategies for locating and identifying women.

History and Background

There are many reasons why it can be difficult to trace women when doing genealogy research.

- Most women change their surname at least once in their lifetimes, usually because they marry. It can be hard to connect records showing one surname with records showing another.
- Historically, records created by men were about other men. These are the records that have traditionally survived.
- If records about women were created, they are less likely to be preserved or readily accessible.
- Legal documents are less likely to name women.
- Women have often been overlooked by history and historians. Until recently, the stories of women and their lives were ignored by historians.
- Under English Common Law, a husband and wife were considered one entity and the woman's legal status was effectively covered by her husband. This means women had almost no legal standing under the law are less likely to appear in legal documents.

Vocabulary:

- **-trix**: The Latin suffix indicating someone is female. Common legal terms include administratrix, executrix, oratrix, testatrix, and so forth. Also, in deed indexes, the phrase "et ux" means the grantor's wife is named in the deed.
- **Administratrix**: A female administrator or person appointed by the court to settle an estate following someone's decease.
- **Consort**: A woman whose husband is still living; often used on headstones or in obituaries.
- **Coverture**: The legal status of a married woman under English Common Law. Her entire legal identity is covered by her husband's authority and protection.
- **Curtesy**: The rights of a man to his wife's real property following her decease if the marriage resulted in children. In most locations, curtesy was a life-interest in all real property, which then passed to her children following his decease.
- **Dower**: The rights of a woman to her husband's estate following his decease. In most locations, dower was a one-third life interest in real property plus one-third of personal property (or one-half interest in each if no children).
- **Dower Release**: Because woman had a dower right to any property acquired by their husband during their marriage, a married woman needed to release her right of dower and consent to the sale of any property.
- **Executrix**: A female executor or person appointed by a testator (or author of a will) to settle their estate following their decease.
- **Femme Covert**: A married woman under English Common Law.
- **Femme Sole**: A single, widowed, or divorced woman under English Common Law.
- **Femme Sole Trader**: Under English Common Law, a married woman authorized to act as a femme

sole, usually either because she ran her own business or because her husband is absent either for long period of times or has abandoned her.

- **Personal Property:** Property which is moveable.
- **Real Property:** Property which is not moveable.
- **Relict:** A woman who is predeceased by her husband; often used on headstones or in obituaries.
- **Testatrix:** The female author of a will.

Property and Inheritance

Under English Common Law, property brought into a marriage by a woman (either by dowry or inheritance) was either controlled or owned by her husband.

- **Real Property:** A married woman's real property was controlled by her husband. Rents and profits belonged to her husband. However, if the real property was sold, she must consent to the sale.
- **Personal Property:** A married woman's personal property automatically belonged to her husband.

Dower Right

Dower is the right of a widow to a portion of her husband's estate. In most locations, the dower right consisted of a one-third life interest in real property and one-third of the personal property if there were children. If the couple had no children, she was usually entitled to a one-half life interest in real property and one-half of the personal property.

The dower right usually applied to all real property acquired during the marriage, meaning, a married woman had an interest in all real property owned by her husband. This means that when a man sold real property, his wife must agree to the sale by releasing her right of dower.

Married Women's Property Acts

Starting in the mid-19th century, most states passed acts which gave women legal status. These acts are collectively known as Married Women's Property Acts. The first act was passed by Mississippi in 1839 and was meant to protect dower from the creditor's of a widow's deceased husband. Other states passed laws in the 1840s granting some legal rights to women. In 1848, New York passed a Married Woman's Property Act which was used as a template by most other states. The New York Married Women's Property Act:

- Placed a married woman's real and personal property under her control.
- Prevented a married woman's property from being subject to her husband's debts.
- Gave married women the right to sign contracts.
- Allowed married women to write wills devising real property (under English Common Law, married women could only bequeath real property with her husband's permission).

Federal Land

Statutes opening federal land to sale often detailed who was qualified to purchase Federal Land. caveats about who could purchase or claim land under various provisions. The Preemption Act of 1841 allowed anyone to "preempt" the official auction of land provided they were a head of household, age 21+ and a citizen. This included widows but not married women. In 1850, the government offered free land to settlers in the Oregon Territory. Land was given to both husbands and wives equally with the land being divided in half, part for the husband and part for the wife. The Homestead Act of 1862 which gave 160 acres of free land to anyone who would settle on it for five years also made allowances for women. Single women age 21+, heads of households, and wives whose husbands had abandoned them all qualified for homesteads, granted they were citizens of the United States. If a woman's husband started the process of homesteading but died before he completed it, she was allowed to pick up and complete the homestead process. However, she inherited the entirety of his land instead of the

traditional one-third dower. And starting in 1900, single women could marry during the five-year settlement period without forfeiting their land.

Court and Divorce

Though a married woman had almost no legal standing under English Common Law, she may have come in contact with the courts for various reasons. If, for example, a woman acted in a legal manner without her husband's consent, he may appeal to the court to vacate her actions. In addition, a woman may appear in court records as a witness or party to her husband's lawsuits, she may be indicted on criminal behavior, or she may be committed to an asylum or institution. One way a woman may have interacted with the court was to sue or file a complaint for divorce.

Divorce

By law, a husband was required to support his wife. When this didn't happen, women could sue for divorce. In early America (and under English Common Law), there were two types of divorces:

- **Absolute Divorce** (*vinculo matrimonii*) ended the marriage completely. Following an absolute divorce, a woman was considered *femme sole* and allowed to remarry. Absolute divorce was often granted for adultery.
- **From bed and board** (*a menso et thoro*) was often granted for cruelty or neglect. Following a *menso et thoro* divorce, women were still considered *femme covert* under the law. Though a woman would live separately from her husband, he was required to provide support, and neither party was allowed to remarry.

In the United States, divorces were initially granted by state legislative action or by Chancery Courts (depending on location). Over time, circuit courts were also authorized to grant divorces in many states.

In order to obtain a divorce, the parties may have had to meet certain requirements. Most states required a certain length of residence within the state before filing a complaint in court. Individuals interested in obtaining quick divorces may have migrated to states with laxer divorce laws.

Suffrage and Citizenship

Starting in 1848, women fought for suffrage or the right to vote. Their work paid off in 1920 when the 19th amendment was ratified. The 19th amendment guaranteed women the right to vote. However, along with the right to vote came questions as to how and when women were naturalized.

Naturalization

Naturalization is the process of gaining citizenship. In the United States, citizenship was always available to immigrant women. However, the benefits of citizenship were not available to women (such as the right to vote) or were only available to single, widowed, or divorced women (such as free land). This means few women naturalized on their own prior to 1922.

- From 1807-1934, widows and minor children of deceased aliens who had filed their first papers were allowed to naturalize by swearing an Oath of Allegiance in court.
- From 1855-1922, women were naturalized either by marrying a citizen or when their husband naturalized. This is known as derivative citizenship.
- From 1907-1922, a woman's citizenship was tied completely to her husband's naturalization status. If a woman married a citizen, she became a citizen. If her husband naturalized, she was considered naturalized. If she married an alien, she lost her citizenship. And if her alien husband couldn't naturalize or chose not to naturalize, she lost her citizenship completely. During that time period, a married woman was also prevented from naturalizing without her husband.
- Starting in 1922, (after the passage of the 19th amendment) the Cable Act ended derivative citizenship for women and required that women naturalize on their own. In effect, women were

given their own nationality. In addition, women who married an alien no longer lost their citizenship.

- Starting in 1936 and 1940, women who had lost their citizenship between 1907 and 1922 by marrying an alien were allowed to regain their citizenship by swearing an Oath of Allegiance before a court instead of going through the naturalization process.

Women and the Military

Since the American Revolution, hundreds of thousands of women have either supported or later served in the United States Military.

- In the 18th and 19th centuries, many women were camp followers, filling rolls such as cooks, seamstresses, laundresses, and nurses.
- Many women served as nurses during wartime. More than 3,000 nurses joined the U.S. Army during the Civil War. During the Spanish American War, 1,500 nurses were recruited, most of whom served overseas. The U.S. Army and Navy established Nurse Corps in 1901 and 1908, respectively. 20,000+ nurses served in World War I and 60,000+ in World War II, many of them in frontline dangerous conditions. The nurse corps were officially integrated into the regular armed services in 1947.
- Women officially joined the military starting World War I. More than 25,000 women served in support roles, many of them serving in the Navy as rank Yeoman (F) or with the Army's Signal Corps.
- More than 140,000 women served in World War II in the Women's Army Corps (WAC), as Women's Airforce Service Pilots (WASPs), with the Navy's WAVES (Women Accepted for Volunteer Service), and more. Women filled more than 200 different non-combat roles. Following World War II, President Truman signed the Women's Armed Service Integration Act which formally integrated women into the armed services.

Widow's Pensions. Women who did not serve themselves may have sent husbands and sons off to war. The service of a husband often qualified a widow for a pension.

- American Revolutionary War – pensions available to widows starting 1832 (if married before the war), 1836 (if married during the war), 1838 (if married before 1794), 1848 (if married before 1800), 1858 (all widows)
- War of 1812 – pensions available to widows under two acts in passed 1871 and 1878
- Mexican American War – pensions available to widows starting 1887
- Civil War – 1861 (widows and dependent mothers of soldiers killed in the war), 1864 (available without a marriage record if couple lived together as husband and wife), 1890 (widows of veterans)
- Confederate states provided widows pensions starting in 1879 (Georgia) to 1915 (Arkansas)

Three Bounty Land Acts also offered benefits to widows of veterans

- Act of 1850 – land available to widows of veterans of War of 1812 and Indian Wars; acreage based on husband's length of service; if husband killed during service, received 160 acres
- Act of 1852 – widow who remarried qualified for bounty land if she was not currently married
- Act of 1855 – expanded benefits to widows of Revolutionary War veterans; allowed for 160 acres, regardless of length of service

Women in Other Records

In addition to searching for legal records, remember that women also appear in many other records.

- **Census Records:** Census records may ask questions unique to women. The 1840 census asked for the names of Revolutionary War veterans and widows. The 1900 and 1910 censuses asked for the number of children born and the number of children living for each woman. The 1940's supplementary questions included married more than once, age at first marriage, and number of

children born.” Also don’t forget to check unique census schedules like the 1850-1880 mortality schedules and the 1880 Defective Dependent, and Delinquent Schedules.

- **Vital Records:** One of the key records for tracing women are marriage records, which include a woman’s previous surname (maiden name or earlier spouse’s surname). Women were usually required to be at least 18 years of age to marry without consent. If they married under legal age, check for consent affidavits. Also consider marriage laws and customs. Couples also traditionally marry at the place of the bride’s residence. In addition to marriage records, also search for birth and death records.
- **Passenger Lists:** Locate passenger lists for immigrant ancestors. Women from Italy and sometimes France may be listed under their maiden name.
- **Church Records.** Women were often very religious. Check church records for membership lists, minutes, society meetings, and more in addition to baptisms, marriages, and burials.
- **Cemetery Records and Headstones.** Headstones may list maiden names and relationships. Also identify other individuals buried in the same or nearby plots as they may be related.
- **Newspapers.** Women appear in newspapers frequently. Check for obituaries, marriage and birth announcements, society pages, gossip columns and more.
- **City Directories.** Women may be listed on their own if they have an occupation separate from their husband’s or may be listed with their husband. Use reverse directories to identify other individuals living at the same street address.

Search Strategies

- Search for women in the records of children, siblings, spouses, and parents.
- Research the FAN Club of a woman’s husband and children. Her family is probably hiding in her husband’s records.
- A woman’s maiden name may be given to a child as a first or middle name.
- Search for woman under all of her surnames. If a woman divorced, she may return to a previous surname (either her maiden name or a previous married name).
- Get to know common nicknames used for female names. For example, Mary may be Polly, Sally may be Sarah, and Margaret may be either Peggy or Margaret.
- Also search for femme soles. Women who did not leave children may have interacted with the law more and may have left better and more detailed records (especially probate records).
- Search for every record for your female ancestors. Also locate every record for their husbands.
- Think outside of the box.

How do I find a maiden name?

- Start by searching for marriage records. Search for both civil and religious ceremonies.
- Search for a woman’s death record and obituary. An obituary may list surviving siblings.
- Search for the records of her children including death certificates, social security applications, and obituaries.
- Search for records of woman’s spouse included land, probate, tax, court, and more. Identify and research the members of his FAN Club.
- Explore census records. Pay special attention to individuals who share the same household but not the same surname.

How do I find parents?

- Start by identifying a woman’s other surnames, including her maiden name.

- Identify the date and place of a woman's first marriage. It's likely her family was nearby as couples traditionally marry at the place of the bride's residence.
- Identify her husband's FAN Club, which probably include her parents and siblings. If a couple migrated, also identify people who moved at the same time and from the same place.
- Search the area of her first marriage for men with the same surname as her maiden name.
- Find every record for the men who share her surname or are part of her husband's FAN Club. Eliminate those who don't do business with her husband or reside on the other side of the county.

How do I find biographical information?

- Learn about the time period and location in which your ancestor lived.
- Find diaries, letters, or journals that discuss women, are written women, or describe life for women in the area where she lived.
- Read county, state, and social histories to better understand the community in which she lived.
- Consider historical and family events that may have impacted her life.
- Identify local churches in the area or major social movements. Consider her ethnic group and background.
- Ask a lot of questions of the records you find. Consider what the document tells you about her life. Compare her record with other similar documents of the area.